
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

MICHAEL ALEXANDER BACON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**MEMORANDUM DECISION AND
ORDER DENYING APPLICATION TO
PROCEED WITHOUT PREPAYING
FEES OR COSTS**

Case No. 2:16-cv-00724-DN

District Judge David Nuffer

Petitioner seeks leave to appeal *in forma pauperis*¹ the Memorandum Decision and Order Granting in Part and Denying and Dismissing in Part § 2255 Motion,² which concluded that Petitioner was plainly not entitled to relief under [28 U.S.C. § 2255](#) on his prosecutorial misconduct and ineffective assistance of counsel claims,³ and the Memorandum Decision and Order Denying Motion to Alter or Amend Judgment.⁴

“An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.”⁵

¹ Application to Proceed in District Court Without Prepaying Fees or Costs (“Application”), [docket no. 63](#), filed under seal Aug. 22, 2018; Notice of Appeal & Request to Circuit Judges of the 10th Cir. Court of Appeals for Certificate, [docket no. 54](#), filed June 20, 2018; Notice of Appeal, [docket no. 60](#), filed Aug. 13, 2018.

² [Docket no. 52](#), filed June 5, 2018.

³ *Id.* at 7-19.

⁴ [Docket no. 58](#), filed July 9, 2018.

⁵ [28 U.S.C. § 1915\(a\)\(3\)](#).

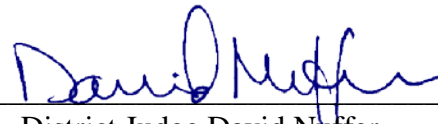
Petitioner was denied a certificate of appealability regarding his § 2255 Motion,⁶ there is no reasonable basis for any alleged error in his appeal, and his appeal presents no substantial question for review. Therefore, it is certified that Petitioner's appeal is not taken in good faith.

ORDER

IT IS HEREBY ORDERED that Petitioner's Application⁷ is DENIED.

Signed August 28, 2018.

BY THE COURT

A handwritten signature in blue ink, appearing to read "David Nuffer", is written over a horizontal line.

District Judge David Nuffer

⁶ Memorandum Decision and Order Granting in Part and Denying and Dismissing in Part § 2255 Motion at 21, [docket no. 52](#), filed June 5, 2018.

⁷ [Docket no. 63](#), filed under seal Aug. 22, 2018.